

CHAPTER 19

(House Bill 187)

AN ACT concerning

Estates and Trusts - Conservation Easement - Governing Instrument

FOR the purpose of clarifying that certain persons may donate a conservation easement on real property for a certain purpose if certain governing instruments authorize the donation; clarifying that a certain trustee or fiduciary may consent to a donation of a conservation easement on real property by a personal representative for a certain purpose if the governing instrument authorizes the donation; providing for the application of this Act; and generally relating to donation of conservation easements on real property.

BY repealing and reenacting, with amendments,

Article - Estates and Trusts

Section 7-401(dd), 14-111(b), and 15-102(aa)

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Estates and Trusts

7-401.

(dd) A personal representative may donate a conservation easement on any real property in order to obtain the benefit of the estate tax exclusion allowed under § 2031(c) of the United States Internal Revenue Code of 1986, as amended, if:

(1) The will **AUTHORIZES OR** directs the personal representative to donate a conservation easement on the real property; or

(2) Each interested person who has an interest in the real property that would be affected by the conservation easement consents in writing to the donation.

14-111.

(b) A trustee may donate a conservation easement on any real property, or consent to the donation of a conservation easement on any real property by a personal